

REMARKS

Claims 1 – 11 and 16 are pending in this application.

In a Non-Final Office Action mailed January 6, 2009, claims 1, 3 – 5, 7 – 11, and 16 have been rejected under 35 USC 103(a) as being unpatentable over Bhatnagar et al. (US Patent No. 6,391,146, hereinafter “the ‘146 Patent”) in view of Halsey et al. (US Patent No. 6,663,025, hereinafter “the ‘025 Patent”) and Heinze (US Patent No. 2,028,603, hereinafter “the ‘603 Patent”).

Claims 1, 2, 5, and 6 have been rejected under 35 USC 103(a) as being unpatentable over the ‘146 Patent in view of the ‘025 Patent and the ‘603 Patent (the mapping is different from the rejection above).

The applicant is of the position that an FRE is a specific known device in the art as shown at 416 in FIG. 4A of the ‘025 patent, while the Examiner is of the position that any object that restricts flow in any way is an FRE. It is believed the definition of the Examiner is broader than what is supported in the specification, since the specification uses the term as used in the ‘025 patent. However, the claims have been further amended to include limitations that clearly are not in the references, even in the broadest meaning of the terms.

The claims have been amended to include the limitations that the flow controlling device in serial fluidic communication downstream from the gas source and upstream from the PCC controls the PCC pressure to be below the pressure in said process chamber and is capable of responding with a millisecond response time. These amendments are supported in the specification at page 8 lines 20-24, page 9, lines 10-11, and elsewhere. In the references, it is clear that the pressure in the portions designated as PCC’s by the examiner must, at least at times, be greater than the pressure of the process chamber during normal operation because a throttle valve must be used to control backflow. There is not suggestion that the valves have or should have a millisecond response time, and, in fact the response time of normal valves used in the references is in the order of seconds.

In view of the above amendments and claims, Applicant believes the pending application is in condition for allowance. A request of a one month extension of time and the required fee is

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enclosed. Applicant believes no additional fee is due with this response. However, if such a fee is due, please charge our Deposit Account No. 50-1848, under Order No. 020008.0112PTUS from which the undersigned is authorized to draw.

Respectfully submitted,
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